

**REMARKS**

Applicant respectfully requests reconsideration and allowance of claims 1-10 that are pending in the above-identified patent application. Applicant has amended claims 1-10. No new matter is added by way of these claim amendments.

This response is being filed concurrently with a Request for Continued Examination and thus, the pending final office action should be withdrawn.

**Rejections Under 35 U.S.C. § 103(a)**

At pages 2-5 of the Office Action, the Examiner rejected claims 1-7, 9, and 10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,947,118 ("the '118 patent") in view of U.S. Patent No. 5,871,010 (the "'010 patent"). Applicant respectfully traverses the Examiner's rejection.

Claims 1-10 have been amended to recite product by process limitations, where independent claim 1 requires "forming elevations and/or depressions with a height/depth of from 0.1 to 100 microns on at least part of the inner surface of the mouthpiece, the air channel, and/or the chamber using one or more of microtechnology, nanotechnology, subtractive treatment, and additive treatment, so that the inner surface(s) of the inhaler may be kept clean without affecting the delivery characteristics of the composition."

The above-quoted features are neither disclosed nor suggested by the cited art of record. Indeed, neither the '118 patent nor the '010 patent discloses the formation of an inhaler in which elevations and/or depressions having the claimed characteristics are formed on the inner surface of the mouthpiece, the air channel, and/or the chamber using one or more of microtechnology, nanotechnology, subtractive treatment, and additive treatment. In fact, the Examiner acknowledges this deficiency in the cited art throughout the office action.

Accordingly, Applicant submits that the combined teachings of the '118 patent and the '010 patent fail to disclose all of the features of the invention as claimed in independent claim 1, or dependent claims 2-10 of the instant application.

## **Conclusion**

In view of the foregoing, Applicant submits that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

Dated: May 8, 2007

Respectfully submitted,

By s/Matthew B. Dernier/  
Matthew B. Dernier  
Registration No.: 40,989  
KAPLAN GILMAN GIBSON & DERNIER LLP  
900 Route 9 North, Suite 104  
Woodbridge, New Jersey 07095  
(732) 634-7634  
Attorneys for Applicant